

REMARKS

Claims 1 - 20 are pending in the application. Claims 1 -20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2005/0149626A1 (Provisional Application No. 60/534,795) issued to Manchester et al.

Applicants respectfully traverse. Manchester fails to anticipate the claims as suggested by the Examiner. However, even if Manchester is correctly applied, which Applicants traverse, Manchester does not qualify as prior art because Manchester was not filed until after Applicant's filing date. The Examiner's reliance on the provisional filing date is ineffective since the Examiner has failed to establish that the provisional application is the same as Manchester. Nonetheless, to avert further unnecessary delay in issuance of a patent on the present application, Applicant submits herein a declaration of the inventor to predate the provisional filing date of Manchester. Applicant respectfully requests reconsideration and full allowance of all pending claims without further delay.

CONCLUSION

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on October 11, 2006.

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Respectfully submitted,

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